

**DIVISION OF ENVIRONMENTAL HEALTH
SOLID WASTE PROGRAM
610 UNIVERSITY AVENUE
FAIRBANKS, AK 99709-3643**
<http://www.state.ak.us/dec>

**Telephone: (907) 451-2174
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File Number: 475.15.018

May 30, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED # 7099 3400 0015 5441 4572

James E. Kulas
Cominco Alaska Incorporated
P.O. Box 1230
Kotzebue, AK 99572

Re: Cominco Alaska Port Facility Landfill, Solid Waste Disposal Permit #0132-BA003, Renewal of Permit #9632-BA001

Dear Mr. Kulas:

The Department of Environmental Conservation has completed its evaluation of your request for renewing a solid waste disposal permit, to allow for the operation and maintenance of a Class III municipal solid waste landfill for the disposal of incinerated camp wastes, ash, and construction/demolition debris at the Cominco Alaska, Inc. Red Dog Mine Port Site. The site is located at the Delong Mountains Regional Transportation System Port Facility in Section 1, T.25N., R.24W., Kateel River Meridian. The Department is issuing this permit in accordance with AS 46, 18 AAC 15, and 18 AAC 60. Please review the conditions and stipulations in the permit and ensure they are all understood. This permit is effective upon issuance and expires **June 1, 2006**.

Any person who disagrees with this decision may appeal the decision by requesting an adjudicatory hearing, using the procedures contained in 18 AAC 15.200-310. Hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801-1795, within thirty (30) days of receipt of this letter.

If a hearing is not requested within thirty (30) days, the right to appeal is waived. Even if an adjudicatory hearing has been requested and granted, all permit conditions remain in full force and effect. Please also send a copy of the request to the undersigned.

Sincerely,

Nancy B. Sonafrank for
Heather T. Stockard
Solid Waste Program Manager

HTS/DS/XD (G:\EH\SW\2001\0132-BA003 Cominco Alaska Port Site.doc)

Enclosure: Permit 0132-BA003
cc w/enc: Trustees for Alaska/Anchorage

James E. Kulas

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May 30, 2001

Bcc: Pete McGee, ADEC/Fairbanks

**ALASKA DEPARTMENT
OF
ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH
610 UNIVERSITY AVENUE
FAIRBANKS, ALASKA 99709-3643**

SOLID WASTE DISPOSAL PERMIT

Permit: **0132-BA003**

Date: May 30, 2001

This Solid Waste Disposal Permit is issued to Cominco Alaska Incorporated for the operation and maintenance of a Class III Municipal Solid Waste Landfill near the Delong Mountains Regional Transportation System Port Facility located in Section 1, T. 25 N., R. 24 W., Kateel River Meridian. This permit is subject to the conditions and stipulations contained in Appendices A and B, which are incorporated herein by reference.

This permit is issued under provisions of Alaska Statute 46.03, the Alaska Administrative Code, as amended or revised, and other applicable State laws and regulations.

This permit is effective upon issuance and expires **June 1, 2006.** It may be terminated or modified in accordance with AS 46.03.120.

Nancy B. Sonafrank for
Heather T. Stockard
Solid Waste Program Manager

APPENDIX A - SPECIFIC CONDITIONS

I. SITE DEVELOPMENT

The permit holder shall:

- A. Comply with the designs and plans in the renewal application dated May 2, 2001 and additional information dated May 25, 2001 as well as the following permit conditions. Additional modifications may be requested, but must be authorized by a permit amendment, before that modification is effective.
- B. Ensure that all operations will accommodate the waste volume and are done in a manner that will facilitate landfill closure.
- C. Ensure that surface water runoff from outside the facility does not flow onto the facility and over, into, or through uncovered or covered solid wastes by constructing and maintaining diversion structures, such as ditches or berms.
- D. Erect and maintain a readily visible sign at the site currently in use with the following information legibly printed:

Facility Operator Identification
Operator/Owner Name
Conditions for Use
Emergency Phone Numbers
- E. Erect and maintain a sign at the entrance to the site that lists items that may not be disposed of there such as: hazardous wastes, acids, corrosives, solvents, oily wastes, explosives, radioactive wastes, or unsterilized medical waste.
- F. Erect and maintain readily visible signs in the facility directing users to the various disposal areas (e.g., the active disposal area and open burn area) and listing pertinent rules for use.
- G. Ensure that the site is managed in such a way as to prevent attracting wildlife, or domestic animals to the facility. Putrescible wastes will be stored in suitable containers prior to incineration to reduce wildlife attraction and access.
- H. Construct the solid waste disposal area and maintain it in a manner that will allow for construction of a fence, if necessary, to control wildlife access. When, in the judgement of the Department of Fish & Game, attraction of wildlife to the site becomes significant, a fence will be constructed around the solid waste disposal area. The fence must meet specifications to be agreed upon by Cominco, ADF&G, and ADEC to adequately

exclude carnivores.

II. SITE OPERATION

The permit holder shall:

A. General Operating Procedures

1. Ensure that only demolition debris, construction wastes, and ash or incinerator wastes are disposed of at this site. Putrescible wastes may not be disposed of at this site.
2. Ensure that public access to the facility is controlled to reduce risks to public health and safety.

B. Burial

1. Consolidate and compact all loose refuse in a layer no deeper than 2 feet using 3 to 5 passes of the bulldozer/compaction equipment prior to placement of the cover material.
2. Cover with a minimum of six inches of compacted soil every week during the summer months as long as the soils are workable. Cover should be placed more frequently to prevent wind-blown material from leaving the site.
3. Consolidate and compact ash and debris weekly during the winter. Cover compacted waste with a minimum of 6 inches of soil as soon as soils are workable in spring.
4. Ensure that solid wastes are not placed in surface waters.
5. Maintain a separation distance of 50 feet between the designated disposal area and the property boundary.
6. Ensure that the maximum disposal cell working face does not exceed 40 feet in width and the height does not exceed 5 feet. Ensure the working face is kept as small as practical to reduce the potential for windblown litter and for the attraction of birds and animals.
7. Ensure that waste oils or oily wastes are managed in accordance with 40 CFR 279. Oil filters must be hot drained and crushed or incinerated prior to disposal.

II. SITE OPERATION (cont.)

B. Burial (cont.)

8. Ensure that all large containers (e.g., cleaned barrels or drums) are crushed and flattened to prevent voids in the fill. Ensure that all nonsalvageable drums are empty of fluids prior to crushing and burying. All fluids removed from drums will be properly disposed of in accordance with all applicable State and Federal laws, including but not limited to, RCRA, the Clean Water Act, the Clean Air Act, Title 46 of Alaska Statutes and 18 AAC 60.
9. Ensure that scrap vehicles or automobiles have been drained of all petroleum products and coolants, and the lead-acid batteries have been removed prior to disposal at the site.

C. Burning

1. Prohibit open burning on the working face and immediately extinguish any fires that occur on the working face.
2. Notify the Department of Environmental Conservation, Fairbanks Office, at 451-2108 within 24-hours of a fire, if any fires occur on the working face.
3. Ensure controlled open burning of paper and paper products is done in a burn box or cage. Large wood pieces may be open burned in a pit at least 50 feet from the working face. Open burning requires that best combustion efficiency be achieved with no smoldering of wastes.
4. Ensure an attendant is on duty when open burning occurs at the landfill.
5. Burn putrescible camp wastes in an incinerator complying with 18 AAC 50.040(b). No more than one ton of ash may be placed in the landfill per day for the landfill to qualify as a Class III facility.

D. Access

Construct and maintain on-site roads as necessary to ensure adequate traffic control. Adequate traffic control means that the site supervisor will maintain positive control of all persons who are within the landfill boundaries, and that refuse will be deposited in approved locations. Dumping in unauthorized areas violates conditions of this permit and Alaska Administrative Codes.

II. SITE OPERATION (cont.)

E. Litter

Collect all windblown and littered refuse from the disposal site and along the entrance road at least once each month during summer months and return it to the active disposal area for burial. All littered wastes on lands within five hundred (500) feet of the site, whether windblown or dumped, will be collected and disposed of at a frequency necessary to prevent this litter from becoming an aesthetic nuisance.

F. Snow Control

1. Remove snow where possible from the disposal cell operations area prior to winter compaction operations and spring snowmelt.
2. Deposit any snow removed in an area away from the landfill working face within the landfill. Clean up any accumulated litter in that area after the snow melts.
3. Erect snow fences or berms, as necessary, to control blowing snow at the site.

III. PROHIBITIONS AND SPECIAL RESTRICTIONS

The permit holder shall:

- A. Prohibit discharge of firearms at the facility.
- B. Prohibit disposal of regulated asbestos containing material at this site. Non-regulated asbestos containing material may be disposed of on a case-by-case basis, with written approval of the ADEC Fairbanks office, if the site is in compliance with the requirements of 18 AAC 60.490 a (1-3).

- C. Prohibit disposal of hazardous wastes, as defined in 40 CFR 261.3, oily wastes, waste oil, greases, paints, sludges, and chemical wastes at this facility.
- D. Prohibit disposal of lead-acid vehicle batteries at this site. Batteries may be stored temporarily in a designated area in covered, leak-proof storage containers prior to their transport to a recycler or permitted disposal site.
- E. Prohibit disposal of putrescible wastes which have not been incinerated, unless prior written permission is received from the Department.

III. PROHIBITIONS AND SPECIAL RESTRICTIONS (cont.)

- F. Prohibit disposal of contaminated soil that contains metals or other chemicals in concentrations that the Department determines poses an unacceptable risk to human health or the environment. Prohibit the disposal of contaminated soil which:
 - 1. Contains concentrations of hazardous substances exceeding one or more of the applicable migration to groundwater levels set in 18 AAC 75.341 Table B1 or Table B2;
 - 2. Exhibits the characteristic of toxicity described in 40 C.F.R. 261.24(a); or
 - 3. Is determined by the department under 18 AAC 75 to pose a migration to surface water threat. Soil contamination that does not exceed migration to groundwater levels may still be considered contaminated soil under 18 AAC 75.
- G. Prohibit the disposal of unsterilized medical waste. Medical waste must be decontaminated or sterilized, and then packaged to prevent a health hazard before disposing of in the landfill.
- H. Prohibit the disposal of bulk liquids at the site. Containers being disposed of must hold one gallon or less of liquid.

IV. MONITORING AND REPORTING

The permit holder shall:

- A. Visually monitor the site each month for signs of damage or potential damage to any part of the facility due to settlement, ponding, leakage, frost action, erosion or operations at the site. The visual inspection should include observations for any violations of the permit conditions for the facility. Retain the results of visual monitoring in the operating record for the facility for review during inspections.
- B. Maintain a set of site development and use plans and submit an updated copy to the Department showing current status of site development by December 31 of each year of the permit.

V. MONITORING AND REPORTING (cont.)

- C. Maintain an Operating Record in a readily accessible place in the community or at the landfill containing:
1. A copy of the permit application.
 2. A copy of the solid waste disposal permits.
 3. Operating plans described in 18 AAC 60.210(b)(9).
 4. Monthly visual inspection records.
 5. Staff training records (e.g. landfill operations, safety).
 6. Annually updated as-built drawings of the landfill.

V. CLOSURE AND RESTORATION

The permit holder shall:

- A. Notify the Department's Fairbanks/Northern Office at least thirty (30) days before the site is to be permanently closed and the equipment withdrawn.
- B. Ensure that a final cover is applied within ninety (90) days after the last waste is deposited, and consists of a minimum of two feet of material. The top six inches will consist of soil, which will promote adequate water retention for the successful revegetation of the site with native vegetation or grasses.
- C. Ensure that the covered areas and drainage control structures are graded to promote and maintain surface water runoff, to prevent ponding and erosion, and to minimize the amount of water entering the solid waste.
- D. Develop and implement a vegetative cover plan for completed areas within the first growing season after closure, using plant species recommended by the Alaska Plant Material Center (907) 745-4469.
- E. Prepare a survey as-built or record drawings showing the location, volume and type of waste deposited at the solid waste disposal site, and a legal description of the landfill property which would be found during a title search. Submit the as built to the ADEC Solid Waste Program, Fairbanks Office, within sixty (60) days of the final closure or expiration date of this permit.

V. CLOSURE AND RESTORATION (cont.)

- F. Within sixty (60) days after the entire facility is permanently closed to landfilling, file the survey as-built or record drawings of the area used as a landfill with the State Recorder's Office or other appropriate land records office approved by the Department. At the same time, file a notation informing future property owners that use of the land may not disturb the integrity of the final cover, cap, or other structures or devices installed as part of closure, unless approved by the Department. Submit proof of these recordings to this Department.
- G. Visually inspect the site annually during the spring, for at least 5 consecutive years following closure, to check for signs of damage from settlement or erosion. Maintain a record of the visual inspections documenting any problems and repairs, as necessary and maintain these reports in the operating record for the facility.
- H. Notify the Department at the end of the 5-year post-closure period with a description of the conditions at the site and photographs of the closed landfill area.

APPENDIX B - GENERAL PERMIT CONDITIONS

I. ACCESS AND INSPECTION

The permittee shall allow the Commissioner or her/his representative access to the permitted facilities at reasonable times to conduct scheduled or unscheduled inspections or tests to determine compliance with this permit, State laws, and regulations.

II. INFORMATION ACCESS

Except for information relating to confidential processes or methods of manufacture, all records and reports submitted in accordance with the terms of this permit shall be available for public inspection at the State of Alaska Department of Environmental Conservation, Fairbanks Office, 610 University Avenue, Fairbanks, Alaska 99709-3643.

III. CIVIL AND CRIMINAL LIABILITY

Nothing in this permit shall relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, including, but not limited to, accidents, equipment breakdowns, or labor disputes.

IV. AVAILABILITY

The permittee shall post or maintain a copy of this permit available to the public at the disposal facility.

V. ADVERSE IMPACT

The permittee shall take all necessary means to minimize any adverse impacts to the receiving waters or lands resulting from noncompliance with any limitation specified in this permit, including any additional monitoring needed to determine the nature and impact of the noncomplying activity. The permittee shall cleanup and restore all areas adversely impacted by the noncompliance.

VI. CULTURAL OR PALEONTOLOGICAL RESOURCES

Should cultural or paleontological resources be discovered as a result of this activity, work which would disturb such resources is to be stopped, and the State Historic Preservation Office, Division of Parks and Outdoor Recreation, Department of Natural Resources, is to be notified immediately (907-269-8721).

VII. APPLICATIONS FOR RENEWAL

In accordance with 18 AAC 15.100(d), applications for renewal or amendment of this permit must be made no later than thirty (30) days before the expiration date of the permit or the planned effective date of the amendment.

VIII. OTHER LEGAL OBLIGATIONS

The requirements, duties, and obligations set forth in this permit are in addition to any requirements, duties, or obligations contained in any permit that the Alaska Department of Environmental Conservation or the U.S. Environmental Protection Agency has issued or may issue to the permittee. This permit does not relieve the permittee from the duty to obtain any and all necessary permits and to comply with the requirements contained in any such permit or with applicable state and federal laws and regulations. All activities conducted by the permittee pursuant to the terms of this permit and all plans implemented by the permittee pursuant to the terms of this permit shall comply with all applicable state and federal laws and regulations.

IX. POLLUTION PREVENTION

In order to prevent and minimize present and future pollution, when making management decisions that affect waste generation, the permittee shall consider the following order of priority options: waste source reduction; recycling of waste; waste treatment; and waste disposal.